

WICKERSHAM ON OF THE SHERMAN

ENFORCEMENT ANTI-TRUST LAW

Attorney General Declares
There Is No Occasion
For Its Amendment.

Suggests Optional Federal In-
corporation as a Means of
Supplementing It.

[From an article by George W. Wickersham, attorney general of the United States, in the Century Magazine for February, Copyright, 1912, by the Century company.]

DISCONTENT with the Sherman anti-trust law and its enforcement by this administration is not nearly so widespread as is popularly supposed. It is a reasonable assumption that the majority of the people who are discontented with the Sherman law and with its enforcement are the stockholders and others interested in those corporations and combinations charged with its violation. The people who will most benefit from the enforcement of the law are the great army of consumers who have been purchasing the products of these corporations.

The purpose of the law is not to destroy industries. The real purpose of the Sherman law is to compel fair trade, to protect the average business man from injury due to unfair methods of competition. It is meant to keep the highways of commerce open to all, big and little, rich and poor, on the same terms. Therein lies its greatest ethical value.

The purpose of the Sherman act is to prevent undue combination and centralization of power, and therefore in issuing their decrees the courts have merely compelled the combinations against which they have been directed to resolve themselves into their integral parts. The property of the stockholders remains. It is as capable of production and of earning dividends as ever.

There is, of course, some genuine discontent with the Sherman law, but I suspect most of it arises not so much from any real uncertainty as to its meaning as from a realization of that meaning.

Need of a Check to Monopoly.

I think every thoughtful person will agree that the Sherman act or some equally effective statute was absolutely necessary to check the growing centralization in a very few hands of the vast industries of the United States. It was the danger of that centralization which the leaders saw in 1890, when they framed and enacted the Sherman law. Slowly, but irresistibly, the construction of the statute has been widened, until now it is demonstrated to be adequate to effect that great result.

One of the results which the Sherman law will accomplish, which must be beneficial to a large class, is to drive out the middleman where the conditions are such that the middleman is not the natural economic result of the operation of the laws of trade.

It must be remembered that in all this discussion nothing will really suit the men who have built up the great trusts and whose interests have been in the monopolization of great lines of industry but some method of confining in the future, with greater or less immunity from interference, the same power and control which they have enjoyed in the past.

How to Eliminate Uncertainty.

In my opinion, the only effective way to eliminate all genuine uncertainty is through a federal incorporation act containing provisions adequate to meet the situation. Congress has recognized its power by asserting the right to interfere and control and to that extent to regulate the conduct of interstate commerce by declaring what contracts, combinations, monopolies, etc., shall not be entered into. I believe it is time for it to recognize its duty to provide proper vehicles for the conduct of that commerce, so as to make unnecessary the combinations it has prohibited.

In the past congress has left the whole law of association—the law of co-operation under corporate form—to the states. This has necessarily led to the holding corporation whereby the control over an industry, through comparatively small capital, can be exercised with ever widening sweep and virtually without bounds. Congress should provide for the formation of corporations, which, after all, is nothing more than to regulate the rules whereby men may associate themselves in the conduct of interstate commerce—with limited liability and with provision for the transfer of their interests in whole or in part without affecting the continued existence of the association.

Congress should provide for the creation of such bodies, should prescribe the rules under which they may transact their business and should protect them in the transaction of that business in accordance with those rules. Then and not until then will the problem be effectively solved. Such a law would remove all the scandal of corporate organization, of inflated capitalization, of deceit of the public through lack of information or dissemination of misinformation and would thus enable the business of the country to be conducted on a safe and sane basis. The federal corporation, being a creature of the federal law, would be entirely subject to federal control, and from time to time as tendencies developed which seemed to run counter to

the public interests they could be checked by appropriate legislation. In the meantime they could be checked by appropriate regulation.

The Regulation of Prices.

The moment the government suffers to exist a combination of producers so great that it fixes or has the power to fix prices at will and the consumer has no share in fixing those prices effective governmental control must necessarily provide a means of correcting that price fixing by governmental interposition on the same lines that it has used in the case of the price of transportation under the interstate commerce act.

The fixing of prices by the government is the logical and inevitable outcome of the policy of recognizing some trusts as good and of attempting to discriminate between good and bad trusts. The "good trust" is the combination which, having the power to crush out

organized and carried on in their own localities, although they may engage to a certain extent in business between the states. As a rule, these small concerns do not appeal generally to the public for their capital.

The first result of the provision for such federal incorporation would be that those who are actuated by a desire to conform with the law, but who are sincerely in doubt as to its requirements, would promptly avail themselves of it. Others would rapidly follow, because the advantages of subjecting themselves to such federal control and of submitting to such supervision and publicity would include not only a practical insurance against prosecution under the Sherman law, but a stability of their securities otherwise unattainable. It is possible there would be no need for further legislation. On the other hand, congress might find it wise later to make such incorporation compulsory in the case of all corporations doing an interstate business and offering their stocks or bonds for public sale.

Law Effective as It Stands.

There is, in my judgment, no occasion to amend the Sherman law. That law is effective as it stands. To amend it would merely necessitate further judicial interpretation before it would be as clear and as enforceable as it is today and would go far to destroy the good results of twenty years of judicial interpretation. But there is a possible method of amplifying that law by addition or supplement, not by amendment. For example, it has been proposed—and the president has stated



Photo by American Press Association.

ATTORNEY GENERAL GEORGE W. WICKERSHAM.

all opposition, does not exercise it fully or does not exercise it so as to arouse a general popular dissatisfaction. Under the Sherman law alone no such thing can exist.

In all this discussion I use the word "trust" to mean a combination so great as to amount to a potential monopoly. No absolute monopoly has grown up under the Sherman act. There always has been a small percentage of the business which was not acquired by a given combination, but a trust has with itself that power which will enable it either to become a monopoly or virtually to exercise all the control which would be inherent in a monopoly.

Optional Federal Incorporation.

There are those who believe federal incorporation should be made compulsory, a prerequisite to the transaction of interstate commerce. I do not believe that, because I think that the desired end can be achieved by making it optional. It is not easy to work a radical change in existing conditions. But the federal incorporation act should be made so attractive to legitimate industry as gradually and perhaps rapidly to attract those engaged in interstate commerce in a large way. All those who wish to combine or consolidate existing businesses which are more or less competitive, thus giving rise to questions as to the applicability of the Sherman law, would realize that federal incorporation would so greatly facilitate the legitimate conduct of that business that they would not be willing to forego its advantages.

On the other hand, the faithful and rigid enforcement of the Sherman law will soon demonstrate the folly of trying to carry on a business which is not legitimate. New enterprises would be formed under a federal incorporation law, and perhaps after a time—five or ten years possibly—the conditions might become such that congress could properly prescribe that after a given date no interstate commerce should be carried on by any corporation not organized under the federal law.

My view has always been, however, that the federal incorporation law should not be applied to small concerns; that the great machinery of the federal government which it would be necessary to establish for such purpose ought not to be directed to little concerns that can be more properly

that he sees no objection to it—that the law might be supplemented by specifying some of the specific acts which have been adjudged by the courts to be embraced in the phrase "undue restraint of interstate trade" in order that merchants may have before them in codified form a clear enumeration of certain things they may not do and be thus relieved of the so called "glittering generality" of the statute. The difficulty of carrying out this suggestion will be found when the draftsman comes to write such a statute.

I am inclined to think that formulating the various kinds of unfair trade and undue restraints of trade which would properly be included in such a statute will add little new to the popular understanding of the meaning of the Sherman act, although, as the president suggests in his message, it may result in shortening the task of the prosecuting officers of the government. But there should certainly be nothing in any additions to the statute to enable a concern whose ingenuity had devised some new and unspecified method of destroying competition to plead immunity from punishment because that particular method of restraint of trade was not made the subject of express prohibition.

AT 60 WALKS 50 MILES.

S. E. Cavin's Birthday Tramp Between Philadelphia and Wilmington.

Samuel E. Cavin of Philadelphia, lawyer and member of the Union League club, celebrated his sixtieth birthday by walking to Wilmington and return, a distance of approximately fifty miles. He left the Union League at 4 o'clock in the morning and reached Wilmington at 11:45 a. m. and arrived at the Union League again at 9:45 at night.

Mr. Cavin started the trip in a blinding snowstorm, and the snow continued all day, making the going very heavy. He declared that he attributes his splendid health to the amount of walking he does and advises all business men to follow his example and they will not be troubled with indigestion, gout or rheumatism.

Skyscraper For Seattle.

Seattle, It is reported, is to emulate New York city and perhaps surpass Chicago by building a forty-two story skyscraper.

\$20,000 Farm

FOR \$10,000 CASH!

400 acres of the best land in the county. Well improved; well watered and situated in one of the best communities in the county; one-half mile from railroad station. 200 acres of this land is creek bottom. It will produce and does produce 75 bu. of corn to the acre and 1,500 lbs. of tobacco. It grows wheat, clover, timothy. This land if situated in Indiana or Illinois would bring \$100 to \$150 an acre. A man who knows how to farm can make enough in two years to pay for it. The party wants to sell to go into other business. We consider this a great bargain. For Further particulars write

JNO. D. BABBAGE, Cloverport, Ky.

SAVED FROM AN OPERATION

How Mrs. Reed of Peoria, Ill., Escaped The Surgeon's Knife.

Peoria, Ill.—"I wish to let every one know what Lydia E. Pinkham's Vegetable Compound has done for me. Forty-two years I suffered. The doctor said I had a tumor and the only remedy was the surgeon's knife. My mother bought me Lydia E. Pinkham's Vegetable Compound, and today I am a well and healthy woman. For months I suffered from inflammation, and your Sanative Wash relieved me. I am glad to tell anyone what your medicines have done for me. You can use my testimonial in any way you wish, and I will be glad to answer letters."—Mrs. CHRISTINA REED, 105 Mound St., Peoria, Ill.

Mrs. Lynch Also Avoided Operation.
Jessup, Pa.—"After the birth of my fourth child, I had severe organic inflammation. I would have such terrible pains that it did not seem as though I could stand it. This kept up for three long months, until two doctors decided that an operation was needed. "Then one of my friends recommended Lydia E. Pinkham's Vegetable Compound and after taking it for two months I was a well woman."—Mrs. JOSEPH A. LYNCH, Jessup, Pa.

Women who suffer from female ills should try Lydia E. Pinkham's Vegetable Compound, one of the most successful remedies the world has ever known, before submitting to a surgical operation.

Destroyed By Fire

Bardstown, Ky., March 1.—The college building at the monastery of the Trappist Monks at Gethsemane was totally destroyed by fire this afternoon, entailing a loss of about \$25,000. In the building there were several very valuable paintings. All the students lost their clothes in the fire.

The Abbey of Our Lady, at Gethsemane, is the oldest in the country of the Cistercian order, and it was only by a hard fight that the other buildings were saved. The monastery in Nelson county was founded over 100 years ago by the Trappist Monks, who came from France.

Itching, bleeding, protruding or blind piles yield to Doan's Ointment. Chronic cases soon relieved, finally cured. Druggists all sell it.

A Big Job.

"That is old Jed Wombat, our oldest inhabitant."

"Why doesn't he get his whiskers trimmed?"

"Well, he does start a dicker with the barber every winter, but they ain't never been able to reach no agreement yet."—Washington Herald.

His Cure.

"I have cured myself by learning to chew my food."

"What have you cured yourself of?" "The belief that if I remained away from the office for more than ten minutes at lunch time everything would go to the dickens."—Chicago Record-Herald.

Real Estate Department

DO YOU WANT TO BUY a farm or business? If you do you may find just what you need in this department. If you are interested in any of the following properties, write us at once for owner's name and address. If none of these places suit you, write us at once telling us **WHAT YOU WANT AND WHERE YOU WANT IT** and let us introduce you to the man who has the **VERY PROPERTY YOU ARE LOOKING FOR.**

We recommend the following properties as being productive and fair in price.

DO YOU WANT TO SELL your farm or business? **IF YOU WANT CASH** for your property, send price and description at once and let us show you how we bring buyer and seller together.

This department is conducted solely for the purpose of enabling buyers and sellers of farm or business properties to make quick sales.

\$15,000 FARM FOR \$10,000

Good farm 400 acres; best land in Breckinridge county; well improved; well watered and every acre tillable. \$10,000 will buy this farm. It is worth \$15,000. For particulars address

Jno. D. Babbage

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| No. 2 300 acres 3 miles from railroad, near sample; one mile from school house. | No. 13 250 acres lying in a valley; 5 room dwelling and hall; 2 tenant houses, large tobacco barn; 2 1/2 miles south of Kirk, 1/4 mile from school, well watered, 3 springs near barn; on Rural Route. |
| No. 3 108 acres 1 mile from Ekron, Meade county; 1/4 mile of public school, 1 mile graded school, good land. | No. 14 190 acres, 100 level; all can be cultivated; 3 good dwellings; 2 feed barns, big tobacco barn; 3 miles from Sample. Easy terms. |
| No. 6 400 acres good land near Basin Springs, Breckinridge county, one of the best sections in the county. | No. 15 175 acres 1 mile East of Glen Dean; good, strong lime stone soil, watered by wells and springs; on good county road, near good school and churches. New tobacco barn cost \$1,200, 3 stock barns, good tenant houses, fine clover and grass land. Price \$6,100. |
| No. 7 125 acres 1 mile South of Rockvale, good level land, 4 room dwelling tenant house and necessary outbuildings. School house and church in 300 yards. Price \$1,050 cash. | No. 16 135 acres located 1 mile north of balance in yearly payments. |
| No. 8 74 acres, 3 miles from Kirk, dwelling 1 1/2 story 6 rooms and porch, good well, small tenant house, good barn and acreable, good orchard. | No. 17 325 acres located near Irvington that section. This is one of the best farms in the county. Under high state of cultivation well improved; good orchard; well watered; an ideal place. Price \$10,000; 1/3 cash, balance on easy payments. |
| No. 9 Two tracts—100 acres in one and 124 acres in the other; 124 acres located 3 miles from Hardinsburg; 100 acres 3 miles from Hardinsburg; 1/4 mile of Kingswood college. | No. 18 250 acres 4 1/2 miles from Hardinsburg, county seat; well improved; one of the best farms in the county. Price \$1,000. |
| No. 10 125 acres located on the railroad 1/4 mile from Webster, good barn and crib, reasonably good house; well watered, outlet on every side. Portion of H. L. Kurtz farm. Price \$3,000. | |
| No. 12 122 acres, good and level land, good barn; all land cleared, well located; 3 miles from Irvington. Price \$3,300. | |

\$3,300 140 acres, 2 miles from Guston, 3 miles from Irvington; well watered; lays well; good young orchard; good timber; on rural route; school house few yards from house; improvements; good four room dwelling with kitchen on back porch; two good barns; 1/2 acre and tenant house and 1/2 acre back in the field; wheat and hen house; wood shed; will sell on easy payments; plenty of small fruit. Further particulars address Jno. D. Babbage, Cloverport, Ky.

\$2,000 For 160 acres four miles west of Glendane, 3 miles from branch railroad; all fresh land; 100 acres in cultivation; 60 acres in grass; will produce the best corn, wheat and tobacco in neighborhood; plenty lasting water, well at door of dwelling; log dwelling, 2 rooms and side room; good stable; 3 tobacco barns; 3 tenant houses. Plenty of good timber for farm purposes; good land to clear. Price \$2,000 1/3 cash.

The Worst Law Ever

The Kentucky Legislature will probably never enact a worse law than the bill passed by the Senate Wednesday, raising the real estate exemption from \$1,000 to \$2,000. Better reduce it to \$500 or eliminate it altogether. It is a hardship on the honest man of moderate means. If he owned only \$2,000 worth of land he would not be entitled to one cent of credit legally, and would have to execute a mortgage or involve his friends to borrow even \$100. The honest poor man wants no exemption whatever. He wants his property to be subject to his debts so that every time he wants to borrow a little money he will not be compelled to put a mortgage on record in the Clerk's office where everybody may see it, to say nothing of the additional expense. Here on the West Virginia border we see practical working of the two laws. West Virginia has no exemption law. It is infinitely better for everybody except the dishonest man and he is not entitled to much consideration at the hands of our legislators.—Big Sandy News.

A Texas Wonder.

The Texas Wonder cures kidney and bladder troubles, removing gravel, cures diabetes, weak and lame backs, rheumatism, and all irregularities of the kidneys and bladder in both men and women. Regulates bladder troubles in children. If not sold by your druggist will be sent by mail on receipt of \$1.00. One small bottle is two months' treatment and seldom fails to perfect a cure. Dr. E. W. Hall, 2936 Olive street, St. Louis, Mo. Send for Kentucky testimonials. Sold by druggists.

Card of Thanks.

We wish to thank our friends and neighbors and our kind physician for their many kindnesses and loving care during the recent fatal illness of our dear husband and father, A. F. Newman. The family.

You can say goodbye to constipation with a clear conscience if you use Chamberlain's Tablets. Many have been permanently cured by their use. For sale by all dealers.